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August 24, 1998

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AUG 24 1998

Ms. Magalie R. Salas
Secretary
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BOSTON

HOUSTON

NEW YORK

SOUTHERN CALIFORNIA

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Re: 1998 Biennial Regulatory Review -- Amendment of Part 18 of the
Commission's Rules to Update Regulations for RF Lighting Devices (ET
Docket No. 98-42)

Dear Ms. Salas:

Enclosed please find an original and four (4) copies of Reply Comments submitted
on behalf of **Fusion UV Systems** in the above-captioned proceeding. If you have
any questions or concerns regarding this filing please contact me directly.

Very truly yours,


Keith A. Barritt

DXM
Enclosures
cc: Mr. Peter Toch, Fusion UV Systems

Our File: 08145/006001

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OFFICE OF THE SECRETARY

In the Matter of)
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1998 Biennial Regulatory Review --)
Amendment of Part 18 of the) ET Docket No. 98-42
Commission's Rules to Update)
Regulations for RF Lighting Devices)

To: The Commission

REPLY COMMENTS OF FUSION UV SYSTEMS, INC.

Fusion UV Systems, Inc. (Fusion UV), by counsel, hereby submits these reply comments in response to the Commission's Notice of Proposed Rulemaking, FCC 98-53 (released April 9, 1998) (NPRM). As a leading manufacturer of ISM equipment operating in the 2.45 GHz ISM band, Fusion UV has a stake in the outcome of this proceeding.

COMMENTS

Fusion UV is the world leader in the research, development and production of microwave-powered, ultraviolet lighting sources used in the processing of most of the world's fiber optics and CD ROM discs and much of the world's automotive optical products. Fusion UV lamps are also used in semiconductor chip production, motor armature balancing, ingredient sterilization, labeling and packaging, adhesives, pipe coating, no-wax flooring and furniture

manufacturing, to name just a few of the myriad ISM applications that touch, directly or indirectly, virtually everyone.

Fusion UV's lighting sources are energized by industrial grade magnetrons that operate in the internationally-recognized 2.45 GHz ISM band. It is only through use of this entire ISM spectrum that Fusion UV's lighting technology can achieve the superior spectral properties and fast start-up that sets its products apart from non-ISM processing technologies.

As a leading manufacturer of ISM equipment, Fusion UV is very concerned by the attempts of various device manufacturers to steer the focus of this proceeding away from the development of emission limits and harmonization of RF lighting standards and toward the very narrow interests of the unlicensed device community, at the expense of ISM manufacturers and users. These parties falsely posit to the Commission that in-band limits need to be adopted to protect their interests, yet these are the same companies that willingly accepted their legally unprotected status when the ISM bands were first made available for Part 15 use. Once the Commission gives credence to these bogus requests, ISM usage in all ISM bands will be threatened and eventually targeted for similar assault.

The tactics being employed by the unlicensed device manufacturers are exactly what Fusion UV and other ISM manufacturers have repeatedly warned the Commission about since it first considered, and later expanded, unlicensed device activities in the ISM bands. In ET Docket No. 96-8, for

example, Fusion Systems urged the Commission not to permit in-band operations of high power spread spectrum systems that are incompatible with ISM operations as such action would "only lead to pressures on ISM manufacturers to limit operations or reduce their in-band requirements."^{1/} The audacity of these manufacturers is starkly revealed by one of their trade groups, who actually cited Fusion Systems' remarks as justification for in-band protection.^{2/}

Under longstanding regulatory law and Commission policy, Part 15 devices have no spectrum rights in any band. As spectrum "squatters", these device manufacturers have no right to complain that their capital investments are at risk or that the benefits of their technology are unrealized. Such arguments, moreover, ring particularly hollow when it comes to ISM, as ISM operations have no other spectrum location in which to develop and deploy their unique applications. Unless the Commission takes a firm stance each and every time these false claims are raised, these manufacturers will be encouraged to continue trying to chip away at ISM in-band priority.

Fusion UV, therefore, urges the Commission to respond forcefully to the arguments raised in this proceeding by the Part 15 device manufacturers, and to make clear that in-band limits

^{1/} Fusion Systems comments in ET Docket 96-8, at 4.

^{2/} See Part 15 Coalition comments in ET Docket No. 98-42, at 3.

for ISM are not an issue in this or in any future proceedings.
Fusion UV further urges the Commission to move toward the goal of
international harmonization of ISM standards for the benefit of
ISM manufacturers and the public beneficiaries of ISM
technologies.

Respectfully submitted

A handwritten signature in cursive script, reading "K A Barritt", written over a horizontal line.

Keith A. Barritt, Esq.
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Washington, DC 20005

Counsel for Fusion UV Systems, Inc.

August 24, 1998

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CERTIFICATE OF SERVICE

The undersigned hereby swears that on August 24, 1998, a copy of
the foregoing REPLY COMMENTS OF FUSION UV SYSTEMS, INC. was
deposited in the U.S. first class mail, postage prepaid,
addressed to the following:

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